

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 445**

Introduced by Transportation Committee: Bromm, 23, Chairperson;  
Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw.  
Pedersen, 39; and Crosby, 29; Engel, 17

Read first time January 14, 1999

Committee: Transportation

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 53-186,  
2 60-4,108, 60-4,182, 60-601, 60-6,186, 60-6,196, and  
3 60-6,197, Reissue Revised Statutes of Nebraska; to change  
4 provisions relating to consumption of alcohol, operators'  
5 licenses, speed limits, driving under the influence,  
6 motor vehicle impoundment; to provide duties for the  
7 Department of Roads; to provide penalties; to eliminate  
8 enforcement of seat belt violations as secondary actions;  
9 to harmonize provisions; to repeal the original sections;  
10 and to outright repeal section 60-6,271, Reissue Revised  
11 Statutes of Nebraska.  
12 Be it enacted by the people of the State of Nebraska,

1                   Section 1.    Section 53-186, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   53-186. (1) Except as provided in subsection (2) of this  
4 section, it shall be unlawful for any person to consume alcoholic  
5 liquor ~~(a) in the public streets, alleys, parking areas, roads, or~~  
6 ~~highways, (b) inside vehicles while upon the public streets,~~  
7 ~~alleys, parking areas, roads, or highways, or (c) upon property~~  
8 owned or controlled by the state or any governmental subdivision  
9 thereof unless authorized by the governing bodies having  
10 jurisdiction over such property.

11                   (2) The commission may issue licenses for the sale of  
12 alcoholic liquor at retail (a) on lands owned by public power  
13 districts, public power and irrigation districts, the Bureau of  
14 Reclamation, or the Corps of Army Engineers or (b) for locations  
15 within or on structures on land owned by the state, cities, or  
16 villages or on lands controlled by airport authorities. The  
17 issuance of a license under this subsection shall be subject to the  
18 consent of the local governing body having jurisdiction over the  
19 site for which the license is requested as provided in the Nebraska  
20 Liquor Control Act.

21                   Sec. 2.    Section 60-4,108, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23                   60-4,108. (1) It shall be unlawful for any person to  
24 operate a motor vehicle during any period that his or her  
25 operator's license has been suspended, revoked, or impounded  
26 pursuant to conviction or convictions for violation of any law or  
27 laws of this state or by an order of any court or by an  
28 administrative order of the director or after such suspension,

1 revocation, or impoundment but before reinstatement of his or her  
2 license or issuance of a new license. Except as provided in  
3 subsection (2) or (3) of this section and except as otherwise  
4 provided by law, any person so offending shall: ~~(1)~~ (a) For a  
5 first such offense, be guilty of a Class III misdemeanor, and the  
6 court shall, as a part of the judgment of conviction, order such  
7 person not to operate any motor vehicle for any purpose for a  
8 period of one year from the date ordered by the court; and ~~(2)~~ (b)  
9 for each subsequent such offense, be guilty of a Class III  
10 misdemeanor, and the court shall, as a part of the judgment of  
11 conviction, order such person not to operate any motor vehicle for  
12 any purpose for a period of two years from the date ordered by the  
13 court. Such order of the court shall be administered upon  
14 sentencing, upon final judgment of any appeal or review, or upon  
15 the date that any probation is revoked, whichever is later. Such  
16 revocation shall not run concurrently with any jail term imposed.

17 (2) Any person operating a motor vehicle while his or her  
18 license is revoked pursuant to subdivision (3)(b) of section 28-306  
19 is guilty of a Class IV felony.

20 (3) Any person operating a motor vehicle while his or her  
21 license is revoked pursuant to subdivision (3)(c) of section 28-306  
22 is guilty of a Class IIIA felony.

23 Sec. 3. Section 60-4,182, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 60-4,182. In order to prevent and eliminate successive  
26 traffic violations, there is hereby provided a point system dealing  
27 with traffic violations as disclosed by the files of the director.  
28 The following point system shall be adopted:

1 (1) Conviction of motor vehicle homicide -- 12 points;

2 (2) Third offense drunken driving in violation of any  
3 city or village ordinance or of section 60-6,196, as disclosed by  
4 the records of the director, regardless of whether the trial court  
5 found the same to be a third offense -- 12 points;

6 (3) Failure to stop and render aid as required under the  
7 laws of this state in the event of involvement in a motor vehicle  
8 accident resulting in the death or personal injury of another -- 6  
9 points;

10 (4) Failure to stop and render aid as required under the  
11 laws of this state or any city or village ordinance in the event of  
12 a motor vehicle accident resulting in property damage if such  
13 accident is reported by the owner or operator within twelve hours  
14 from the time of the accident -- 4 points, otherwise -- 8 points,  
15 and for purposes of this subdivision a telephone call or other  
16 notification to the appropriate peace officers shall be deemed to  
17 be a report;

18 (5) Driving a motor vehicle while under the influence of  
19 alcoholic liquor or any drug or when such person has a  
20 concentration of ten-hundredths of one gram or more by weight of  
21 alcohol per one hundred milliliters of his or her blood or urine or  
22 per two hundred ten liters of his or her breath in violation of any  
23 city or village ordinance or of section 60-6,196 -- 6 points;

24 (6) Willful reckless driving in violation of any city or  
25 village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;

26 (7) Careless driving in violation of any city or village  
27 ordinance or of section 60-6,212 -- 4 points;

28 (8) Negligent driving in violation of any city or village

1 ordinance -- 3 points;

2 (9) Reckless driving in violation of any city or village  
3 ordinance or of section 60-6,213 -- 5 points;

4 (10) Speeding in violation of any city or village  
5 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

6 (a) Not more than five miles per hour over the speed  
7 limit -- 1 point;

8 (b) More than five miles per hour but not more than ten  
9 miles per hour over the speed limit -- 2 points; and

10 (c) More than ten miles per hour over the speed limit --  
11 3 points; ~~7 except that one point shall be assessed upon conviction~~  
12 ~~of exceeding by not more than ten miles per hour, two points shall~~  
13 ~~be assessed upon conviction of exceeding by more than ten miles per~~  
14 ~~hour but not more than fifteen miles per hour, and three points~~  
15 ~~shall be assessed upon conviction of exceeding by more than fifteen~~  
16 ~~miles per hour the speed limits provided for in subdivision (1)(e),~~  
17 ~~(f), or (g) of section 60-6,186;~~

18 (11) Failure to yield to a pedestrian not resulting in  
19 bodily injury to a pedestrian -- 2 points;

20 (12) Failure to yield to a pedestrian resulting in bodily  
21 injury to a pedestrian -- 4 points; and

22 (13) All other traffic violations involving the operation  
23 of motor vehicles by the operator for which reports to the  
24 Department of Motor Vehicles are required under sections 60-497.01  
25 and 60-497.02, not including violations involving an occupant  
26 protection system pursuant to section 60-6,270, parking violations,  
27 violations for operating a motor vehicle without a valid operator's  
28 license in the operator's possession, muffler violations,

1   overwidth, overheight, or overlength violations, motorcycle or  
2   moped protective helmet violations, or overloading of trucks -- 1  
3   point.

4           All such points shall be assessed against the driving  
5   record of the operator as of the date of the violation for which  
6   conviction was had. Points may be reduced by the department under  
7   section 60-4,188.

8           In all cases, the forfeiture of bail not vacated shall be  
9   regarded as equivalent to the conviction of the offense with which  
10   the operator was charged.

11           The point system shall not apply to persons convicted of  
12   traffic violations committed while operating a bicycle.

13           Sec. 4.    Section 60-601, Reissue Revised Statutes of  
14   Nebraska, is amended to read:

15           60-601.   Sections 60-601 to 60-6,374 and sections 5 and 9  
16   of this act shall be known and may be cited as the Nebraska Rules  
17   of the Road.

18           Sec. 5.   (1) For purposes of this section, open alcoholic  
19   beverage container means any bottle, can, or other receptacle:

20                   (a) That contains any amount of alcoholic liquor; and

21                   (b)(i) That is open or has a broken seal or (ii) the  
22   contents of which are partially removed.

23                   (2) Except as provided in subsection (4) of this section,  
24   it is unlawful for any person in the passenger compartment of a  
25   motor vehicle to possess an open alcoholic beverage container while  
26   the motor vehicle is located in a public parking area or on any  
27   highway in this state.

28                   (3) Except as provided in section 53-186, it is unlawful

1 for any person to consume alcoholic liquor (a) in a public parking  
2 area or on any highway in this state or (b) inside motor vehicles  
3 while in a public parking area or on any highway in this state.  
4 Any person violating this subsection is guilty of a Class III  
5 misdemeanor.

6 (4) The following exceptions apply to this section:

7 (a) Persons who are passengers of, but who are not  
8 operating, a motor vehicle licensed pursuant to regulations under  
9 Chapter 75, article 3, may possess open alcoholic beverage  
10 containers while such vehicle is in a public parking area or on any  
11 highway in this state; and

12 (b) Persons who are passengers in the living quarters of  
13 a self-propelled mobile home or cabin trailer as defined in section  
14 60-301, but who are not operating the self-propelled mobile home or  
15 motor vehicle towing the cabin trailer, may possess open alcoholic  
16 beverage containers while such vehicle is in a public parking area  
17 or on any highway in this state.

18 Sec. 6. Section 60-6,186, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 60-6,186. (1) Except when a special hazard exists that  
21 requires lower speed for compliance with section 60-6,185, the  
22 limits set forth in this section and sections 60-6,187, 60-6,188,  
23 60-6,305, and 60-6,313 shall be the maximum lawful speeds unless  
24 reduced pursuant to subsection (2) of this section, and no person  
25 shall drive a vehicle on a highway at a speed in excess of such  
26 maximum limits:

27 (a) Twenty-five miles per hour in any residential  
28 district;

- 1 (b) Twenty miles per hour in any business district;
- 2 (c) Fifty miles per hour upon any highway that is not  
3 dustless surfaced and not part of the state highway system;
- 4 (d) Fifty-five miles per hour upon any dustless-surfaced  
5 highway not a part of the state highway system;
- 6 (e)~~(i)~~ ~~Until September 17, 1996, fifty-five miles per hour~~  
7 ~~upon any part of the state highway system other than an expressway~~  
8 ~~or a freeway, and~~
- 9 ~~(ii)~~ ~~Beginning on and after September 17, 1996, sixty~~  
10 Sixty miles per hour upon any part of the state highway system  
11 other than an expressway or a freeway, except that the Department  
12 of Roads may, where existing design and traffic conditions allow,  
13 according to an engineering study, authorize a speed limit five  
14 miles per hour greater;
- 15 (f) Sixty-five miles per hour upon an expressway that is  
16 part of the state highway system; and
- 17 (g) Seventy-five miles per hour upon a freeway that is  
18 part of the state highway system and upon the National System of  
19 Interstate and Defense Highways, ~~except that the maximum speed~~  
20 limit shall be west of and including Hamilton County;
- 21 (h) Seventy miles per hour upon a freeway that is part of  
22 the state highway system and upon the National System of Interstate  
23 and Defense Highways east of Hamilton County, except that the  
24 maximum speed limit shall be sixty miles per hour for:
- 25 (i) Any portion of a freeway and the National System of  
26 Interstate and Defense Highways located in Douglas County; and
- 27 (ii) That portion of the National System of Interstate  
28 and Defense Highways designated as Interstate 180 in Lancaster

1 County and Interstate 129 in Dakota County.

2 (2) The maximum speed limits established in subsection  
3 (1) of this section may be reduced by the Department of Roads or by  
4 local authorities pursuant to section 60-6,188 or 60-6,190.

5 (3) The Department of Roads and local authorities may  
6 erect and maintain suitable signs along highways under their  
7 respective jurisdictions in such number and at such locations as  
8 they deem necessary to give adequate notice of the speed limits  
9 established pursuant to subsection (1) or (2) of this section upon  
10 such highways.

11 Sec. 7. Section 60-6,196, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 60-6,196. (1) It shall be unlawful for any person to  
14 operate or be in the actual physical control of any motor vehicle:

15 (a) While under the influence of alcoholic liquor or of  
16 any drug;

17 (b) When such person has a concentration of  
18 ten-hundredths of one gram or more by weight of alcohol per one  
19 hundred milliliters of his or her blood; or

20 (c) When such person has a concentration of  
21 ten-hundredths of one gram or more by weight of alcohol per two  
22 hundred ten liters of his or her breath.

23 (2) Any person who operates or is in the actual physical  
24 control of any motor vehicle while in a condition described in  
25 subsection (1) of this section shall be guilty of a crime and upon  
26 conviction punished as follows:

27 (a) If such person (i) has not had a conviction under  
28 this section in the twelve years prior to the date of the current

1 conviction or (ii) has not been convicted under a city or village  
2 ordinance enacted pursuant to this section in the twelve years  
3 prior to the date of the current conviction, such person shall be  
4 guilty of a Class W misdemeanor, and the court shall, as part of  
5 the judgment of conviction, order such person not to drive any  
6 motor vehicle for any purpose for a period of six months from the  
7 date ordered by the court and shall order that the operator's  
8 license of such person be revoked for a like period. Such  
9 revocation shall be administered upon sentencing, upon final  
10 judgment of any appeal or review, or upon the date that any  
11 probation is revoked. Such revocation shall not run concurrently  
12 with any jail term imposed.

13           If the court places such person on probation or suspends  
14 the sentence for any reason, the court shall, as one of the  
15 conditions of probation or sentence suspension, order such person  
16 not to drive any motor vehicle for any purpose for a period of  
17 sixty days from the date of the order unless otherwise authorized  
18 by an order issued pursuant to section 60-6,211.05, and such order  
19 of probation shall also include, as one of its conditions, the  
20 payment of a four-hundred-dollar fine;

21           (b) If such person (i) has had one conviction under this  
22 section in the twelve years prior to the date of the current  
23 conviction or (ii) has been convicted once under a city or village  
24 ordinance enacted pursuant to this section in the twelve years  
25 prior to the date of the current conviction, such person shall be  
26 guilty of a Class W misdemeanor, and the court shall, as part of  
27 the judgment of conviction, order such person not to drive any  
28 motor vehicle for any purpose for a period of one year from the

1 date ordered by the court, ~~and~~ shall order that the operator's  
2 license of such person be revoked for a like period, and shall  
3 order each motor vehicle owned by such person impounded pursuant to  
4 section 9 of this act. Such ~~revocation orders~~ shall be  
5 administered upon sentencing, upon final judgment of any appeal or  
6 review, or upon the date that any probation is revoked. Such  
7 ~~revocation orders~~ shall not run concurrently with any jail term  
8 imposed.

9           If the court places such person on probation or suspends  
10 the sentence for any reason, the court shall, as one of the  
11 conditions of probation or sentence suspension, order such person  
12 not to drive any motor vehicle in the State of Nebraska for any  
13 purpose for a period of ~~six months~~ one year from the date of the  
14 order unless otherwise authorized by an order issued pursuant to  
15 section 60-6,211.05 and may order each motor vehicle owned by such  
16 person impounded pursuant to section 9 of this act for a like  
17 period, and such order of probation shall also include, as  
18 conditions, the payment of a five-hundred-dollar fine and either  
19 confinement in the city or county jail for ~~forty-eight hours~~ and  
20 the payment of a ~~five-hundred-dollar fine~~ five days or the  
21 imposition of not less than two hundred forty hours of community  
22 service;

23           (c) If such person (i) has had two convictions under this  
24 section in the twelve years prior to the date of the current  
25 conviction, (ii) has been convicted two times under a city or  
26 village ordinance enacted pursuant to this section in the twelve  
27 years prior to the date of the current conviction, or (iii) has  
28 been convicted as described in subdivisions (i) and (ii) of this

1 subdivision a total of two times in the twelve years prior to the  
2 date of the current conviction, such person shall be guilty of a  
3 Class W misdemeanor, and the court shall, as part of the judgment  
4 of conviction, order such person not to drive any motor vehicle in  
5 the State of Nebraska for any purpose for a period of fifteen years  
6 from the date ordered by the court, ~~and~~ shall order that the  
7 operator's license of such person be revoked for a like period, and  
8 shall order each motor vehicle owned by such person impounded  
9 pursuant to section 9 of this act. Such ~~revocation orders~~ shall be  
10 administered upon sentencing, upon final judgment of any appeal or  
11 review, or upon the date that any probation is revoked. Such  
12 ~~revocation orders~~ shall not run concurrently with any jail term  
13 imposed.

14 If the court places such person on probation or suspends  
15 the sentence for any reason, the court shall, as one of the  
16 conditions of probation or sentence suspension, order such person  
17 not to drive any motor vehicle in the State of Nebraska for any  
18 purpose for a period of one year unless otherwise authorized by an  
19 order issued pursuant to section 60-6,211.05 and may order each  
20 motor vehicle owned by such person impounded pursuant to section 9  
21 of this act for a like period, and such order of probation shall  
22 also include, as conditions, the payment of a six-hundred-dollar  
23 fine and either confinement in the city or county jail for ~~seven~~  
24 ten days and the payment of a six-hundred-dollar fine or the  
25 imposition of not less than four hundred eighty hours of community  
26 service; and

27 (d) If such person (i) has had three or more convictions  
28 under this section in the twelve years prior to the date of the

1 current conviction, (ii) has been convicted three or more times  
2 under a city or village ordinance enacted pursuant to this section  
3 in the twelve years prior to the date of the current conviction, or  
4 (iii) has been convicted as described in subdivisions (i) and (ii)  
5 of this subdivision a total of three or more times in the twelve  
6 years prior to the date of the current conviction, such person  
7 shall be guilty of a Class IV felony, and the court shall, as part  
8 of the judgment of conviction, order such person not to drive any  
9 motor vehicle in the State of Nebraska for any purpose for a period  
10 of fifteen years from the date ordered by the court, ~~and~~ shall  
11 order that the operator's license of such person be revoked for a  
12 like period, and shall order each motor vehicle owned by such  
13 person impounded pursuant to section 9 of this act. Such  
14 ~~revocation orders~~ shall be administered upon sentencing, upon final  
15 judgment of any appeal or review, or upon the date that any  
16 probation is revoked. Such ~~revocation orders~~ shall not run  
17 concurrently with any jail term imposed. The court shall also  
18 sentence such person to serve at least ten days' imprisonment in  
19 the city or county jail or an adult correctional facility.

20 If the court places such person on probation or suspends  
21 the sentence for any reason, the court shall, as one of the  
22 conditions of probation or sentence suspension, order such person  
23 not to drive any motor vehicle in the State of Nebraska for any  
24 purpose for a period of one year unless otherwise authorized by an  
25 order issued pursuant to section 60-6,211.05 and may order each  
26 motor vehicle owned by such person impounded pursuant to section 9  
27 of this act for a like period, and such order of probation shall  
28 also include, as conditions, the payment of a one-thousand-dollar

1 fine and either confinement in the city or county jail for ~~seven~~  
2 ten days and the payment of a one-thousand-dollar fine or the  
3 imposition of not less than four hundred eighty hours of community  
4 service.

5 (3) For each conviction under this section, the court  
6 shall as part of the judgment of conviction make a finding on the  
7 record as to the number of the defendant's prior convictions under  
8 this section and under a city or village ordinance enacted pursuant  
9 to this section in the twelve years prior to the date of the  
10 current conviction. The defendant shall be given the opportunity  
11 to review the record of his or her prior convictions, bring  
12 mitigating facts to the attention of the court prior to sentencing,  
13 and make objections on the record regarding the validity of such  
14 prior convictions.

15 (4) For purposes of this section, the twelve-year period  
16 shall be computed from the date of the prior offense to the date of  
17 the offense which resulted in the current conviction and the terms  
18 conviction under this section and prior conviction shall include  
19 any conviction under this section as it existed at the time of such  
20 conviction regardless of subsequent amendments to such section.

21 (5) Any period of revocation or order not to drive  
22 imposed under this section shall be reduced by any period imposed  
23 under section 60-6,206. Any period of revocation or order not to  
24 drive imposed under this section shall not prohibit the operation  
25 of a motor vehicle under the terms and conditions of an employment  
26 driving permit issued pursuant to subsection (2) of section  
27 60-6,206.

28 (6) Any person operating a motor vehicle on the highways

1 or streets of this state while his or her operator's license has  
2 been revoked pursuant to subdivision (2)(c) or (2)(d) of this  
3 section shall be guilty of a Class IV felony. If such person has  
4 had a conviction under this subsection prior to the date of the  
5 current conviction under this subsection, such person shall be  
6 guilty of a Class III felony.

7 (7) Any city or village may enact ordinances in  
8 conformance with this section and section 60-6,197. Upon  
9 conviction of any person of a violation of such a city or village  
10 ordinance, the provisions of this section with respect to the  
11 operator's license of such person shall be applicable the same as  
12 though it were a violation of this section.

13 (8) Any person who has been convicted of driving while  
14 intoxicated for the first time or any person convicted of driving  
15 while intoxicated who has never been assessed for alcohol abuse  
16 shall, during a presentence evaluation, submit to and participate  
17 in an alcohol assessment. The court may also order an alcohol  
18 assessment after any other conviction for a violation of this  
19 section. The alcohol assessment shall be paid for by the person  
20 convicted of driving while intoxicated. At the time of sentencing,  
21 the judge, having reviewed the assessment results, may then order  
22 the convicted person to follow through on the alcohol assessment  
23 results at the convicted person's expense in lieu of or in addition  
24 to any penalties deemed necessary.

25 Sec. 8. Section 60-6,197, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 60-6,197. (1) Any person who operates or has in his or  
28 her actual physical control a motor vehicle in this state shall be

1 deemed to have given his or her consent to submit to a chemical  
2 test or tests of his or her blood, breath, or urine for the purpose  
3 of determining the concentration of alcohol or the presence of  
4 drugs in such blood, breath, or urine.

5 (2) Any peace officer who has been duly authorized to  
6 make arrests for violations of traffic laws of this state or of  
7 ordinances of any city or village may require any person arrested  
8 for any offense arising out of acts alleged to have been committed  
9 while the person was driving or was in actual physical control of a  
10 motor vehicle while under the influence of alcoholic liquor or  
11 drugs to submit to a chemical test or tests of his or her blood,  
12 breath, or urine for the purpose of determining the concentration  
13 of alcohol or the presence of drugs in such blood, breath, or urine  
14 when the officer has reasonable grounds to believe that such person  
15 was driving or was in the actual physical control of a motor  
16 vehicle in this state while under the influence of alcoholic liquor  
17 or drugs in violation of section 60-6,196.

18 (3) Any peace officer who has been duly authorized to  
19 make arrests for violation of traffic laws of this state or  
20 ordinances of any city or village may require any person who  
21 operates or has in his or her actual physical control a motor  
22 vehicle in this state to submit to a preliminary test of his or her  
23 breath for alcohol concentration if the officer has reasonable  
24 grounds to believe that such person has alcohol in his or her body,  
25 has committed a moving traffic violation, or has been involved in a  
26 traffic accident. Any person who refuses to submit to such  
27 preliminary breath test or whose preliminary breath test results  
28 indicate an alcohol concentration in violation of section 60-6,196

1 shall be placed under arrest. Any person who refuses to submit to  
2 such preliminary breath test shall be guilty of a Class V  
3 misdemeanor.

4 (4) Any person arrested as provided in this section may,  
5 upon the direction of a peace officer, be required to submit to a  
6 chemical test or tests of his or her blood, breath, or urine for a  
7 determination of the concentration of alcohol or the presence of  
8 drugs. If the chemical test discloses the presence of a  
9 concentration of alcohol in violation of subsection (1) of section  
10 60-6,196, the person shall be subject to the administrative  
11 revocation procedures provided in sections 60-6,205 to 60-6,208 and  
12 upon conviction shall be punished as provided in section 60-6,196.  
13 Any person who refuses to submit to such test or tests required  
14 pursuant to this section shall be subject to the administrative  
15 revocation procedures provided in sections 60-6,205 to 60-6,208 and  
16 shall be guilty of a crime and upon conviction punished as follows:

17 (a) If such person (i) has not had a conviction under  
18 this section for refusal to submit to a chemical blood, breath, or  
19 urine test in the twelve years prior to the date of the current  
20 conviction or (ii) has not been convicted under a city or village  
21 ordinance enacted pursuant to this section as authorized by section  
22 60-6,196 in the twelve years prior to the date of the current  
23 conviction, such person shall be guilty of a Class W misdemeanor,  
24 and the court shall, as part of the judgment of conviction, order  
25 such person not to drive any motor vehicle in the State of Nebraska  
26 for any purpose for a period of six months from the date ordered by  
27 the court and shall order that the operator's license of such  
28 person be revoked for a like period. Such revocation shall be

1 administered upon sentencing, upon final judgment of any appeal or  
2 review, or upon the date that any probation is revoked. Such  
3 revocation shall not run concurrently with any jail term imposed.

4 If the court places such person on probation or suspends  
5 the sentence for any reason, the court shall, as one of the  
6 conditions of probation or sentence suspension, order such person  
7 not to drive any motor vehicle in the State of Nebraska for any  
8 purpose for a period of sixty days unless otherwise authorized by  
9 an order issued pursuant to section 60-6,211.05, and such order of  
10 probation shall also include, as one of its conditions, the payment  
11 of a four-hundred-dollar fine;

12 (b) If such person (i) has had one conviction under this  
13 section for refusal to submit to a chemical blood, breath, or urine  
14 test in the twelve years prior to the date of the current  
15 conviction or (ii) has been convicted once under a city or village  
16 ordinance enacted pursuant to this section as authorized by section  
17 60-6,196 in the twelve years prior to the date of the current  
18 conviction, such person shall be guilty of a Class W misdemeanor,  
19 and the court shall, as part of the judgment of conviction, order  
20 such person not to drive any motor vehicle in the State of Nebraska  
21 for any purpose for a period of one year from the date ordered by  
22 the court, ~~and~~ shall order that the operator's license of such  
23 person be revoked for a like period, and shall order each motor  
24 vehicle owned by such person impounded pursuant to section 9 of  
25 this act. Such ~~revocation orders~~ shall be administered upon  
26 sentencing, upon final judgment of any appeal or review, or upon  
27 the date that any probation is revoked. Such ~~revocation orders~~  
28 shall not run concurrently with any jail term imposed.

1           If the court places such person on probation or suspends  
2 the sentence for any reason, the court shall, as one of the  
3 conditions of probation or sentence suspension, order such person  
4 not to drive any motor vehicle in the State of Nebraska for any  
5 purpose for a period of ~~six months~~ one year from the date of the  
6 order unless otherwise authorized by an order issued pursuant to  
7 section 60-6,211.05 and may order each motor vehicle owned by such  
8 person impounded pursuant to section 9 of this act for a like  
9 period, and such order of probation shall also include, as  
10 conditions, the payment of a five-hundred-dollar fine and either  
11 confinement in the city or county jail for ~~forty-eight hours~~ and  
12 the payment of a ~~five-hundred-dollar~~ fine five days or the  
13 imposition of not less than two hundred forty hours of community  
14 service;

15           (c) If such person (i) has had two convictions under this  
16 section for refusal to submit to a chemical blood, breath, or urine  
17 test in the twelve years prior to the date of the current  
18 conviction, (ii) has been convicted two times under a city or  
19 village ordinance enacted pursuant to this section as authorized by  
20 section 60-6,196 in the twelve years prior to the date of the  
21 current conviction, or (iii) has been convicted as described in  
22 subdivisions (i) and (ii) of this subdivision a total of two times  
23 in the twelve years prior to the date of the current conviction,  
24 such person shall be guilty of a Class W misdemeanor, and the court  
25 shall, as part of the judgment of conviction, order such person not  
26 to drive any motor vehicle in the State of Nebraska for any purpose  
27 for a period of fifteen years from the date ordered by the court,  
28 ~~and~~ shall order that the operator's license of such person be

1 revoked for a like period, and shall order each motor vehicle owned  
2 by such person impounded pursuant to section 9 of this act. Such  
3 ~~revocation~~ orders shall be administered upon sentencing, upon final  
4 judgment of any appeal or review, or upon the date that any  
5 probation is revoked. Such ~~revocation~~ orders shall not run  
6 concurrently with any jail term imposed.

7           If the court places such person on probation or suspends  
8 the sentence for any reason, the court shall, as one of the  
9 conditions of probation or sentence suspension, order such person  
10 not to drive any motor vehicle in the State of Nebraska for any  
11 purpose for a period of one year unless otherwise authorized by an  
12 order issued pursuant to section 60-6,211.05 and may order each  
13 motor vehicle owned by such person impounded pursuant to section 9  
14 of this act for a like period, and such order of probation shall  
15 also include, as conditions, the payment of a six-hundred-dollar  
16 fine and either confinement in the city or county jail for ~~seven~~  
17 ~~ten days and the payment of a six-hundred-dollar fine or the~~  
18 imposition of not less than four hundred eighty hours of community  
19 service; and

20           (d) If such person (i) has had three or more convictions  
21 under this section for refusal to submit to a chemical blood,  
22 breath, or urine test in the twelve years prior to the date of the  
23 current conviction, (ii) has been convicted three or more times  
24 under a city or village ordinance enacted pursuant to this section  
25 as authorized by section 60-6,196 in the twelve years prior to the  
26 date of the current conviction, or (iii) has been convicted as  
27 described in subdivisions (i) and (ii) of this subdivision a total  
28 of three or more times in the twelve years prior to the date of the

1 current conviction, such person shall be guilty of a Class IV  
2 felony, and the court shall, as part of the judgment of conviction,  
3 order such person not to drive any motor vehicle in the State of  
4 Nebraska for any purpose for a period of fifteen years from the  
5 date ordered by the court, ~~and~~ shall order that the operator's  
6 license of such person be revoked for a like period, and shall  
7 order each motor vehicle owned by such person impounded pursuant to  
8 section 9 of this act. Such ~~revocation~~ orders shall be  
9 administered upon sentencing, upon final judgment of any appeal or  
10 review, or upon the date that any probation is revoked. Such  
11 ~~revocation orders~~ shall not run concurrently with any jail term  
12 imposed. The court shall also sentence such person to serve at  
13 least ten days' imprisonment in the city or county jail or an adult  
14 correctional facility.

15 If the court places such person on probation or suspends  
16 the sentence for any reason, the court shall, as one of the  
17 conditions of probation or sentence suspension, order such person  
18 not to drive any motor vehicle in the State of Nebraska for any  
19 purpose for a period of one year unless otherwise authorized by an  
20 order issued pursuant to section 60-6,211.05 and may order each  
21 motor vehicle owned by such person impounded pursuant to section 9  
22 of this act for a like period, and such order of probation shall  
23 also include, as conditions, the payment of a one-thousand-dollar  
24 fine and either confinement in the city or county jail for ~~seven~~  
25 ten days and the payment of a one-thousand-dollar fine or the  
26 imposition of not less than four hundred eighty hours of community  
27 service.

28 (5) For each conviction under this section, the court

1 shall, as part of the judgment of conviction, make a finding on the  
2 record as to the number of the defendant's prior convictions under  
3 this section and under a city or village ordinance enacted pursuant  
4 to this section or section 60-6,196 in the twelve years prior to  
5 the date of the current conviction. The defendant shall be given  
6 the opportunity to review the record of his or her prior  
7 convictions, bring mitigating facts to the attention of the court  
8 prior to sentencing, and make objections on the record regarding  
9 the validity of such prior convictions.

10 (6) For purposes of this section, the twelve-year period  
11 shall be computed from the date of the prior offense to the date of  
12 the offense which resulted in the current conviction and the terms  
13 conviction under this section and prior conviction shall include  
14 any conviction under this section as it existed at the time of such  
15 conviction regardless of subsequent amendments to such section.

16 (7) Any person operating a motor vehicle on the highways  
17 or streets of this state while his or her operator's license has  
18 been revoked pursuant to subdivision (4)(c) or (4)(d) of this  
19 section shall be guilty of a Class IV felony. If such person has  
20 had a conviction under this subsection prior to the date of the  
21 current conviction under this subsection, such person shall be  
22 guilty of a Class III felony.

23 (8) Any city or village may enact ordinances in  
24 conformance with this section. Upon conviction of any person of a  
25 violation of such city or village ordinance, the provisions of this  
26 section with respect to the operator's license of such person shall  
27 be applicable the same as though it were a violation of this  
28 section.

1           (9) Any person involved in a motor vehicle accident in  
2 this state may be required to submit to a chemical test of his or  
3 her blood, breath, or urine by any peace officer if the officer has  
4 reasonable grounds to believe that the person was driving or was in  
5 actual physical control of a motor vehicle on a public highway in  
6 this state while under the influence of alcoholic liquor or drugs  
7 at the time of the accident. A person involved in a motor vehicle  
8 accident subject to the implied consent law of this state shall not  
9 be deemed to have withdrawn consent to submit to a chemical test of  
10 his or her blood, breath, or urine by reason of leaving this state.  
11 If the person refuses a test under this section and leaves the  
12 state for any reason following an accident, he or she shall remain  
13 subject to subsection (4) of this section and section 60-6,206 upon  
14 return.

15           (10) Any person who is required to submit to a chemical  
16 blood, breath, or urine test or tests pursuant to this section  
17 shall be advised that refusal to submit to such test or tests is a  
18 separate crime for which the person may be charged.

19           (11) Refusal to submit to a chemical blood, breath, or  
20 urine test or tests pursuant to this section shall be admissible  
21 evidence in any action for a violation of section 60-6,196 or a  
22 city or village ordinance enacted pursuant to such section.

23           Sec. 9.   (1) Every motor vehicle is declared to be a  
24 public nuisance if a registered owner of such motor vehicle has  
25 been convicted of a second or subsequent violation of section  
26 60-6,196 or 60-6,197. Upon conviction, the court may order the  
27 owner's motor vehicle or motor vehicles impounded at his or her  
28 expense for a period of time not exceeding any other sentence

1 imposed by the court or one year, whichever is longer. The court  
2 may, as an alternative to impoundment of the motor vehicle or motor  
3 vehicles, order the installation of an ignition interlock device on  
4 each of the owner's motor vehicles.

5 (2) Any impounded motor vehicle may, in the discretion of  
6 the court, be released:

7 (a) To any person, if an ignition interlock device has  
8 been installed in the motor vehicle; or

9 (b) Without an ignition interlock device, to the holder  
10 of a bona fide lien on the motor vehicle executed prior to such  
11 impoundment, when possession of the motor vehicle is requested as  
12 provided by law by such lienholder for purposes of foreclosing and  
13 satisfying such lien.

14 (3) If a person tows and stores a motor vehicle pursuant  
15 to this section, at the direction of a peace officer or the court,  
16 and has a lien upon such motor vehicle while it is in his or her  
17 possession for reasonable towing and storage charges, he or she has  
18 a right to retain such motor vehicle until such lien is paid.

19 Sec. 10. Original sections 53-186, 60-4,108, 60-4,182,  
20 60-601, 60-6,186, 60-6,196, and 60-6,197, Reissue Revised Statutes  
21 of Nebraska, are repealed.

22 Sec. 11. The following section is outright repealed:  
23 Section 60-6,271, Reissue Revised Statutes of Nebraska.